



CITY OF SALEM PLANNING BOARD

City of Salem Planning Board Meeting Minutes, December 1, 2020

A joint public hearing of the Affordable Housing Trust Fund Board (AHTFB) and the Salem Planning Board (PB) was held on Tuesday, Dec. 1, 2020 at 6:00 p.m. via Remote Access. Public participation was possible via zoom video and conference call.

I. ROLL CALL

Those present were: Chair Ben Anderson Vice Chair Kirt Rieder, Carole Hamilton, Helen Sides, Noah Koretz, Bill Grisct, Tom Furey, DJ Napolitano (8)

Absent: Matt Smith (1)

Also in attendance: Mason Wells, Staff Planner

Recorder: Stacy Kilb

Roll Call

Affordable Housing Trust Fund Board:

Mayor Kim Driscoll, Chair (Absent)	Ben Anderson
Mickey Northcutt, Vice Chair	City Councillor, Patricia Morsillo
Filipe Zamborlini, Treasurer	City Councillor, Ty Hapworth (Absent)
Rebecca Curran	City Council President, Robert McCarthy
John Boris	

Planning Board:

Ben Anderson	Bill Grisct
Carole Hamilton	Noah Koretz
DJ Napolitano	Kirt Rieder
Helen Sides	Matt Smith (absent)
Thomas Furey	

1. New Business

A. Joint meeting with the Planning Board to discuss an affordable housing policy.

Amanda Chiancola provides an overview:

- Looking to work w/PB help leverage market-rate housing to achieve a deeper rate of affordability, to do 60% AMI, nexus is at PUD where that link can be created, PB via special permits and Site Plan Review (SPR) can urge developers to 60% AMI
- AHTFB willing to be a partner to work w/PB and Developers to get there.
- Need to examine incentives that can be offered by PB: streamlined permitting, others?
- Mickey Northcutt: This was in context of Inclusionary Zoning (IZ) failing to get majority vote [in the City Council], how to get policies that can be enacted with or without City Council Support, want PB input since PB has been imposing 10% at 80%, but technically nothing allows them to do that either, so the attempt at IZ drew attention to fact that 60% is an important aspect of proposal for inclusionary

housing.

- Ben Anderson, speaking as AHTFB member, supports policy wholeheartedly. Reading housing analysis, it is eye opening. As PB chair, has questions
 - What kind of teeth does a policy have? Written document that PB uses as guidance, Planning Department (PD) and Community Development uses as guidance in discussion w/Developers? A lot of negotiation/discussion happens in PD, and the PB does not negotiate w/Applicants in meetings. Wants to understand how it would work
 - Amanda Chiancola: It does not have the teeth an ordinance would have, will never be as strong b/c is not a requirement, but they are proposing a written policy, as it is currently unwritten that PB requires 10% at 80%. This is well known to those doing work in Salem, but those who don't aren't aware until they go to PB or City for the first time
 - This would make it transparent and clear that City and PB expect that new development will help meet our Affordable Housing goals. The link is the PUD. Trying to make it written so if the developer pushes back, we have a document to refer to. City will work w/developers on the front end to make them aware
 - This will be a doc to be discussed w/developers when they come to the Planning Dept. PB would "enforce" it via its decision.

Procedural options/issues

- Helen Sides is sorry Ty Hapworth isn't here b/c of his "speeding up the process" suggestion, which she does not endorse. Not sure why that is an incentive. Saves time and money? But she is nervous about that concept; path is already clear and normally developer themselves holds things up
 - What could be helpful would be for the Developer to meet with a member from each board that they would have to come to ahead of meetings. This is easier w/zoom as it makes a member from each Board available during the day
 - This would include Board members who could learn about project ahead of time w/one another, and to judge order in which project will be presented to various Boards after evaluation/identification of possible difficulties
- Rebecca Curran: Agrees with this, it is done w/other boards, but is important to discuss process and order, not deliberate merits of the project in such meetings (runs afoul of open meeting law). Helen Sides notes all her colleagues are careful not to represent whole Board, it would be made clear it is the opinion of a member
- Kirt Rieder notes that some would-be participants have communicated that they cannot get into the meeting, Amanda Chiancola will post video on City website after the meeting in case some were unable to attend
- Carole Hamilton asks if there is a suggestion as to how many of the units should be offered at 60%. Amanda Chiancola answers that the intent is for the full 10% of units to be at 60% AMI, in a PUD, since it has flexibility baked into it, and pro forma indicated could get there
 - SPR is tough b/c it does not have density, setback, height or parking relief available. Rather than a specific number, it is a project-by-project basis, so this is why PD will work w/Developer to get as much of 10% at 60 AMI but will vary
- Mickey Northcutt asks what procedurally has to happen to change policy. Administrative requirement?
 - Amanda Chiancola: Depends on whose policy. If PB policy, could be updated and amended by PB, if AHTFB, by them. PB makes sense as they are implementing it
 - Tom Daniel agrees. On the front end, before appearing at the PB, Applicant will already have been informed of the policy. During the course of review before the Planning Board, some new info may come up, if Site Plan modifications are made, Board may need to review. If 10% at 60% creates, due to this new info, a challenge, PB may need to change it to 8% for example. Thus, it makes sense to have it before PB as that's where technical and public comment perspectives come in. Reiterates that operating requirement of 10% at 60% is not a written document at present
- Amanda Chiancola: Having this document would also be transparent to land sellers, so when a project is

being financed, buyer can use this to negotiate price of land b/c have to put requirement for affordability in pro forma

DJ Napolitano joins the meeting at about 6:20 PM

- Mickey Northcutt: PUDs, is it possible for policy to invite developers not pursuing aPUD, maybe just a special permit, to offer Affordable units, even though PB does not have incentive options to offer. Are there developers that might still comply? Cost differential/dept capacity between 60 and 80% AMI is not substantial, but impact on low-income families is impactful
 - Amanda Chiancola: As is, a minimum of 10% of units being discussed during SPR, and any type of special permit shall be affordable at 80% AMI but Applicant is urged to set aside as much of the 10% at 60% AMI as possible
 - Carole Hamilton: ZBA grants variances to many projects; if they have a variance for parking, etc, they should be able to afford units at a deeper subsidy
- Noah Koretz: Thinks proposal as presented is good, in support. Note of Caution: Does not think expedited permitting can be done - procedures are set forth by City Council, if they could be done, he would not support expedited, requirements as outlined are important. The Ordinance did not pass, so Boards must do something for low-income families
- Filipe Zamborlini notes he discussed "expedited permitting" w/Ty Hapworth. He did not want to see that as part of policy, but it was part of discussion. They were merely curious. Underlying question is, "are there other tools the PB can utilize?" Want to explore all possible tools that could be used
- Carole Hamilton notes re expedited permitting process: if PD did analysis of how things proceed through PB, it would find they meet the goals of "expedited permitting" as it is, and do not drag their feet at all, so this should be off the table as a negotiating tool
 - Kinds of things (incentives) that are worthwhile are those that save developer money, other items such as size and width of roads, elimination of sidewalk, or extras the PB may consider that would allow Developer to increase subsidy on various units within project
- Kirt Rieder notes the Board should be careful about labeling pedestrian and vehicular routes as "extra;" he knows this is not the intent. But Board should be shy about making those debatable or discard-able
- Noah Koretz: Parking: Question for PB/City Solicitor, there is a gray area between leeway for Board to create rules vs. what has to be done via ordinance/City Council? Need to be clear on that line, we don't know where it is. PB can set a policy re parking but if Ordinance conflicts, may have leeway in SPR but may run up against Ordinance

Noah Koretz leaves the meeting at approximately 6:27 but will review the recording

- Ben Anderson asks about policy re PUD special permits: In event developer cannot achieve this goal, IZ Ordinance required data and backup to prove why, are we going to be requesting that as well? In many cases, Developers say, "we can't do it." Are we going to require them to prove that?
 - Amanda Chiancola: This was a point of discussion, if Developer cannot do it, PB would ask developer to work w/AHTFB to demonstrate why they can't do that. Often developers have worked w/AHTFB even without the policy, not all can, but this is the best we can do w/out ordinance
- Re: affordability requirement duration: In requiring 10% at 80% have we always asked for 99 years? Yes
- If we come to an agreement that this works as a policy, procedurally, this would have to go on an agenda for PB that would vote to implement policy? Yes, Board can discuss in public meeting. Could also go back before AHTFB before the final vote. Amanda Chiancola and Mason Wells can prepare language from tonight's meeting
 - 2nd part, yes, PB should discuss write up of policy when available, at a future meeting, AHTFB members should attend PB meeting, if desired, to give any input
- Helen Sides asks about the language "in the event that the developer..." Shouldn't it say that, more than "it is part of the presentation," it is that they do meet with AHTFB? That's just what they do, if they feel

they can't they will tell them, don't "offer it" or assume they won't be able to afford it, they should meet w/AHTFB no matter what

- Amanda Chiancola: If they achieve 10% at 60%, and hit that goal in the Plans as proposed, they do not need to attend an AHTFB meeting. Wanted to keep it loose b/c it is not an ordinance or an absolute requirement, b/c some projects may have tough financials (due to issues such as ledge, contamination, etc.)
- Tom Daniel: Helpful to provide transparency, if not able to do this, there are other steps that are recommended to be taken, such as discussion w/AHTFB to see what can be achieved. What would AHTFB be looking at? This is up in the air, but IZ thought process could guide that
- Filipe Zamborlini: Future action (procedural question): Amanda Chiancola is available either way, thought to have PB vote on it, AHTFB goes to the PB meeting where it is discussed to input comments
- Helen Sides feel positively about this, is glad to move forward

Public comment:

Heather Famico 195 Essex St. 2b

- Difficult time getting onto meeting, passcode, ID did not work
- Grateful that Ty Hapworth put everything on Sharepoint, having content on website is positive, rather than having to click on a PDF
- eEad housing needs assessment, wants AHTFB and PB to look into accessible units for City as population is aging, can't find accessible units to move into but would sell homes and do that if possible
- Also dig more into bedroom numbers, need more 3+ bedrooms for snoring spouse, caretaker, or working from home
- Look at pipeline - what's in permitting and upcoming, provide breakdown of accessible units and bedroom counts. Tie into process as you are looking at needs
- What sites in Salem would qualify as a PUD now? Could PUD be 40b at state level? Would create expedited permitting

Alice Merkl 28A Federal St.

- Appreciates efforts at deeper level of affordability, there is a significant difference between 60% and 80% AMI
- Supports changes

2. Adjournment of Joint meeting with the Planning Board

Ben Anderson makes a motion for the AHTFB to adjourn the Joint Meeting, is seconded by Felipe Zamborlini, and the motion passes in a roll call vote.

Patricia Morsillo	Yes
Ben Anderson	Yes
John Boris	Yes
Filipe Zaborlini	Yes
Robert McCarthy	Yes
Mickey Northcutt	Yes

Bill Griscti makes a motion for the PB to adjourn the Joint Meeting, Ben Anderson

Furey
Hamilton
Anderson
Rieder
Sides
Napolitano
Bill Griscti
Matt Smith Absent

Noah Koretz Left Previously

This portion of the meeting ends at 6:44 PM.

For actions where the decisions have not been fully written into these minutes, copies of the decisions have been posted separately by address or project at: <https://www.salem.com/planning-board/webforms/planning-board-2020-decisions>

Respectfully submitted,
Stacy Kilb, Recording Clerk

Approved by the Planning Board on 01/21/2021